



Contaminated Alaska Native Claims Settlement Act (ANCSA) Lands Assistance Agreements

Assistance Agreement Program Guidance for federally recognized tribes in Alaska, Alaska Native Regional Corporations, Alaskan Native Village Corporations, Alaska Native Nonprofit Organizations, Alaska Native Nonprofit Associations, and Intertribal consortia comprised of Alaskan tribal entities.

United States Environmental Protection Agency
Region 10

May 4, 2023

Executive Summary

The Alaska Native Claims Settlement Act (ANCSA) was enacted in 1971 to settle aboriginal claims to public lands through the conveyance of 46 million acres of land to Alaska Native regional and village corporations and the transfer of one billion dollars from the state and federal governments as compensation for remaining claims. Some of the lands promised and conveyed to corporations pursuant to the settlement in ANCSA were contaminated. The contaminants on some of these lands—which include arsenic, asbestos, lead, mercury, pesticides, polychlorinated biphenyls, and petroleum products—pose health and other concerns to Indigenous Alaskans and communities and are present in quantities above state and federal clean-up levels, negatively impacting subsistence resources and hampering cultural, social, and economic activities.

Under the White House Arctic Executive Steering Committee, the Environmental Protection Agency (EPA), Department of Defense, U.S. Army Corps of Engineers (USACE), and Department of the Interior - Bureau of Land Management are collaborating on a whole-of-government approach to act on the issue of contaminated lands conveyed to Alaska Native corporations under ANCSA. Through the initiative, the agencies are working to leverage resources, expertise, and requirements into a framework for effective cooperation and progress.

Most recently, cleanup activities have taken place primarily by the U.S. Army Corps of Engineers (USACE) under the Formerly Used Defense Sites and Native American Lands Environmental Mitigation programs. In addition, some other cleanups are being conducted by the federal potentially responsible parties under agreements with the State of Alaska and under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA or Superfund). The Contaminated ANCSA Lands are not currently on the Superfund National Priority List, nor are they subject to any current Environmental Protection Agency (EPA)-issued cleanup orders or permitting.

EPA is initiating a new Contaminated ANCSA Lands Assistance Program to assist Alaska tribal and Alaska Native Corporation entities with addressing contamination on lands conveyed pursuant to ANCSA. EPA is also updating the existing BLM Contaminated ANCSA Lands inventory and is committed to ensuring that it is regularly updated. For more information on EPA's interim inventory and program related to cleaning up contaminated lands conveyed pursuant to ANCSA, visit EPA Region 10's [website](#).

The objectives of the EPA program are to provide funding to eligible entities: (1) to characterize, assess, and conduct planning and community involvement activities related to these lands; and (2) to carry out cleanup activities at ANCSA sites contaminated at the time of conveyance.

EPA will provide funds to eligible Alaska Native entities as cooperative agreements. A cooperative agreement is an assistance agreement used when there is substantial federal involvement throughout the performance of the project. EPA awards cooperative agreements for projects for which it expects to have substantial interaction with the recipient throughout. EPA will negotiate the terms and conditions of “substantial involvement” as part of the award process. ***No matching funds are required***, and eligible entities receiving other federal funding to support contaminated lands assessment and/or cleanups are still eligible for additional assistance under this EPA program.

The federal fiscal year 2023 (FY23) Consolidated Appropriations Act included language establishing this program at the EPA states that:

Alaska Contaminated Sites: \$20,000,000, to remain available until expended, shall be for grants, including grants that may be awarded on a non-competitive basis, inter agency agreements, and associated program support costs to establish and implement a program to assist Alaska Native Regional Corporations, Alaskan Native Village Corporations, federally-recognized tribes in Alaska, Alaska Native Non-Profit Organizations and Alaska Native Nonprofit Associations, and intertribal consortia comprised of Alaskan tribal entities to address contamination on lands conveyed under or pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that were or are contaminated at the time of conveyance and are on an inventory of such lands developed and maintained by the Environmental Protection Agency: Provided, That grants awarded using funds made available in this paragraph may be used by a recipient to supplement other funds provided by the Environmental Protection Agency through individual media or multi-media grants or cooperative agreements: Provided further, That of the amounts made available in this paragraph, in addition to amounts otherwise available for such purposes, the Environmental Protection Agency may reserve up to \$2,000,000 for salaries, expenses, and administration.

Language from the Joint Explanatory Statement released by Congress states that:

Alaska Contaminated Sites: The Committees recognize the injustice done to Alaska Natives when in return for settling their aboriginal rights to land under the Alaska Native Claims Settlement Act, the Federal Government conveyed to them thousands of contaminated sites which to-date largely remain contaminated because of Federal inaction. This enduring environmental injustice poses a significant threat to human health and the environment, including to drinking water sources, homes, schools, and more. The agreement provides \$20,000,000 for the inventory, verification, assessment, and remediation of these contaminated sites, as well as related community outreach and involvement. The Committees recognize that neither the State of Alaska nor the Agency are responsible for the contamination. The Committees thank Agency leadership for its recent attention to and work on this issue and look forward to continuing their close working relationship with the Agency in finding solutions to this longstanding environmental injustice.

Eligible Applicants

For FY23, EPA will provide funding to eligible entities, including federally recognized Indian Tribal Governments (tribes) in Alaska, Alaska Native Regional Corporations, Alaskan Native Village Corporations, Alaska Native Nonprofit Organizations, Alaska Native Nonprofit Associations, and Intertribal consortia.

For purposes of this program, EPA will use the definitions of the terms “Indian Tribal Government” and “Intertribal Consortium” as they are defined in 40 C.F.R. § 35.502: An Indian tribal government (tribe), except as otherwise defined in statute or applicable program specific regulation, is any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is recognized as eligible by the U.S. Department of the Interior for the special services provided by the United States to Indians because of their status as Indians. An intertribal consortium is a partnership between two or more tribes that is authorized by the governing bodies of those tribes to apply for and receive assistance under one or more of the programs listed in § 35.501. EPA will use the standards in 40 C.F.R. § 35.504 to determine intertribal consortium eligibility for this program.

Eligible Activities

EPA will require applicants to provide documentation of eligibility in order to meet legal requirements. Specifically, EPA will require that applicants provide site-specific information to determine whether a site: (1) was conveyed pursuant to ANCSA; (2) was contaminated by hazardous substances, pollutants, contaminants, or petroleum at the time of conveyance; and (3) is listed on the interim EPA inventory of Contaminated ANCSA Lands. If the applicant is not the owner of the contaminated site(s) to be addressed, EPA will require proof that the landowner will provide access to the site and supports taking action to address contamination.

If these requirements cannot be demonstrated with the application materials submitted to EPA, the site may be a good candidate for additional verification and/or on-site assessment to determine whether it falls within the scope of this Contaminated ANCSA Lands Assistance Program and may be eligible for funding in the future. More information about eligible activities is included in *Section IV.*, below.

Available Funding

For FY23, in addition to being an eligible entity, interested applicants will also need to demonstrate ability to meet EPA's FY23 funding priorities. More information on the funding priorities is included in *Section V.*, below.

EPA expects to award three or more cooperative agreements that recipients may use to characterize sites and conduct detailed site assessments (estimated \$600,000 in total). EPA also expects to award three or more cooperative agreements to enable eligible entities to begin cleanup of ANCSA properties contaminated at the time of conveyance (estimated \$3M in total). Any funds remaining may be rolled over into future years of the grant program. EPA has received \$20M in total, the bulk of which will be awarded as cooperative agreements over the next two years (FY23 and FY24). Lessons learned from FY23 will be used to adjust the program in the future.

Also included in the Appropriations Act were three Congressionally directed spending projects (\$7.5M in total) to support the verification of contaminated ANCSA sites/lands. EPA anticipates that the partner organizations implementing these projects will be available to provide this support in FY24. For more information, see the EPA Region 10 [website](#), or contact Tami Fordham, EPA Alaska Operations Office, at fordham.tami@epa.gov or 907-271-1484.

For eligible entities considering this program, additional details on registering with SAM.gov and submitting required information to EPA via Grants.gov are included in Appendix A of this program guidance.

Anticipated Timeline

- Program Guidance distributed by EPA/posted to grants.gov on May 4, 2023
- Funding Package Preparation Assistance Webinar hosted by EPA on May 18, 2023
- Complete Request for Funding Packages due to EPA Program Contact on June 9, 2023

- **Final applications (including final budgets, workplans, and signed federal forms) MUST be submitted to EPA through Grants.gov and copied to the EPA Program Contact on June 23, 2023**, unless an extension request is approved in writing by the EPA Program Contact.
- Selections will be announced as soon as July 10, 2023
- FY23 awards will be made to successful applicants as soon as July 28, 2023

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I. Overview

The objectives of EPA's Contaminated ANCSA Lands Assistance Agreements are to provide funding: (1) to characterize, assess, and conduct planning and community involvement activities related to these lands; and (2) to carry out cleanup activities at ANCSA sites contaminated at the time of conveyance. The purpose of this Program Guidance is to provide eligible entities with information regarding the available funding in FY23.

EPA will provide funding to eligible entities, including federally recognized Indian Tribal Governments (tribes) in Alaska, Alaska Native Regional Corporations, Alaskan Native Village Corporations, Alaska Native Nonprofit Organizations, Alaska Native Nonprofit Associations, and Intertribal consortia. **It may be possible for more than one award to be made per eligible entity.** Because EPA wishes to demonstrate results quickly, the performance period for agreements awarded in FY23 is expected to be 12 to 18 months.

The funding for the Contaminated ANCSA Lands Assistance Program will be in the form of cooperative agreements. A cooperative agreement is an assistance agreement that is used when there is substantial federal involvement throughout the performance of the project. EPA awards cooperative agreements for those projects in which it expects to have substantial interaction with the recipient throughout the performance of the project. EPA will negotiate the precise terms and conditions of "substantial involvement" as part of the award process. This is a non-exhaustive list of potential substantial federal involvement activities for these projects:

- Monitoring of the recipient's performance to verify the results
- Approving qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient)
- Reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports rests with the recipient)
- Collaboration during project implementation, for example:
 - Consultation between EPA staff and recipients on effective methods of implementing project tasks, provided the recipient makes the final decision on how to perform authorized activities.
 - Advice from EPA staff on how to access publicly available information on EPA or other federal agency websites.
 - With the consent of the recipient, EPA staff may provide technical advice to recipient contractors or subrecipients provided the recipient approves any expenditures of funds necessary to follow advice from EPA staff. (The recipient remains accountable for performing contract and subaward management as specified in 2 C.F.R. § 200.318 and 2 C.F.R. § 200.332 as well as the terms of the EPA cooperative agreement.)
 - EPA staff participation in meetings, webinars, and similar events upon the request of the recipient. There may also be EPA staff participation in periodic telephone conference calls to share ideas, project successes and challenges, etc.
- Reviewing proposed procurements in accordance with 2 C.F.R. § 200.325, as well as the substantive terms of proposed contracts or subawards as appropriate.

EPA expects to award three or more cooperative agreements that recipients may use to characterize sites and conduct detailed site assessments (estimated \$600,000 in total). EPA also expects to award three or more cooperative agreements to enable eligible entities to begin cleanup of ANCSA properties contaminated at the time of conveyance (estimated \$3M in total). ***No matching funds are required.*** Any funds remaining may be rolled over into future years of the grant program. EPA has received \$20M in total, the bulk of which will be awarded as cooperative agreements over the next two years (FY23 and FY24). Lessons learned from FY23 will be used to adjust the program in the future.

EPA reserves the right to partially fund and/or consider a project for future years of funding. If EPA's FY23 funding priorities are not demonstrated in the submitted materials, EPA may determine that the project may be considered for future funding opportunities. See *Section V.* for more information regarding the FY23 funding priorities.

II. Eligible Applicants

The eligible applicants for this funding include federally recognized Indian Tribal Governments (tribes) in Alaska, Alaska Native Regional Corporations, Alaskan Native Village Corporations, Alaska Native Nonprofit Organizations, Alaska Native Nonprofit Associations, and Intertribal consortia comprised of Alaskan tribal entities. **It may be possible for more than one award to be made per eligible entity.**

For purposes of this program, EPA will use the definitions of the terms "Indian Tribal Government" and "Intertribal Consortium" as they are defined in 40 C.F.R. § 35.502:

Tribe: Except as otherwise defined in statute or this subpart, Indian Tribal Government (Tribe) means: Any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is recognized as eligible by the United States Department of the Interior for the special services provided by the United States to Indians because of their status as Indians.

An intertribal consortium is a partnership between two or more tribes that is authorized by the governing bodies of those tribes to apply for and receive assistance under one or more of the programs listed in § 35.501.

EPA will use the standards in 40 C.F.R. § 35.504 to determine intertribal consortium eligibility for this program.

III. Eligible Uses of Funding

The general standards for determining allowability of activities are described in the [2 C.F.R. Part 2002 C.F.R. Part 200](#) Uniform Grant Guidance (UGG) at [2 C.F.R. § 200.403](#). Costs must be necessary for the performance of the EPA award and not be prohibited by statute, the [2 C.F.R. Part 200 Subpart E Cost Principles](#), another regulation, Program Guidance, or the terms of the award.

In general, the FY23 EPA Contaminated ANCSA Lands Cooperative Agreement funds may be used to address sites contaminated by petroleum and hazardous substances, pollutants, or contaminants (including hazardous substances co-mingled with petroleum) and/or:

- A recipient may use its funds to award subawards to other eligible entities, including nonprofit organizations, for cleanups on sites owned by the sub-recipient or sites for which the sub-recipient can demonstrate that it has been granted access by the site owner for the purpose of conducting assessment and cleanup activities.
- Assessment assistance agreement funds may be used to inventory, characterize, assess, and conduct planning and community involvement related to conveyed ANCSA lands that were contaminated prior to conveyance and that are owned by the recipient or for which the recipient can demonstrate that access has been granted by the site owner for the purpose of conducting cleanup activities.
- Cleanup assistance agreement funds must be used to carry out cleanup activities at sites conveyed under ANCSA that were contaminated at the time of conveyance and that are owned by the assistance recipient or for which the recipient can demonstrate it has been granted access by the site owner for the purpose of conducting cleanup activities.

The work performed by sub-recipients or contractors must align with the proposed eligible activities below. For additional information on determining whether entities should be classified as subrecipients or contractors, and important requirements involving these classifications, carefully review the guidance on contracts and subawards in [EPA's Subaward Policy](#).

Details regarding the types of activities that could be eligible are as follows:

Compiling Information to Use to Comply with NEPA

Eligible entities likely will have to provide information about the sites and potentially about the environmental impact of addressing the contamination to support EPA's preparation of Environmental Assessments (EAs). This information is typically provided by grantees in an Environmental Information Document (EID). Grantees may use EPA financial assistance to prepare the EID, which will reduce or mitigate any resource-intensive impacts on tribal grantees. In addition, EPA may adopt an EA prepared by EPA or another federal agency if the actions covered in the EA are substantially the same as EPA's action, or EPA can incorporate by reference any pertinent information prepared as part of an environmental review into EPA's EA.

Conducting Planning & Developing Site Plans

Planning and Site Plan development can be implemented for an individual contaminated site. Where multiple sites are connected through location, infrastructure, economic, social, and environmental conditions, project proposals may take an area-wide approach to planning for the assessment and cleanup of these sites. This focus on multiple sites could result in more coordinated strategies for cleanup.

Conducting Site Assessments & Related Activities

- Activities that enable the scoping of an assessment and conducting environmental sampling and analysis to determine the extent of contamination.

- Coordinating with EPA to support a more comprehensive inventory of Contaminated ANCSA Lands.
- Conducting a desktop exercise reviewing historic records of the site and past activity to help inform the assessment approach to help inform the assessment approach (e.g., Phase I environmental site assessment).
- Conducting sampling activities (e.g., Phase II environmental site assessment, also known as a preliminary assessment).
- Developing a Health and Safety Plan, Quality Assurance Project Plan and/or Sampling Plan prior to conducting any environmental sampling and analysis (a requirement for any projects conducting sampling).
- Submitting samples for analysis to an EPA accredited laboratory. Analytical costs from evaluating site samples.
- Developing a report of the sample results and conclusions based on analysis (i.e., Conceptual Site Model, Assessment report, Site Inspection or Sampling Summary Report).
- Support planning for future cleanup activities such as evaluation of cleanup alternatives.

Conducting Initial Cleanup Activities

- Developing a site cleanup approach and documenting the approach in a Site Cleanup Plan to include agreed upon cleanup endpoints, aligned with ADEC cleanup levels.
- If necessary, procuring contract services to conduct cleanup activities such as contaminated material removal, sampling, or health and safety monitoring.
- Conducting environmental confirmation sampling post-cleanup activities to determine if further action is required. If necessary, planning for next phase of site cleanup.
- Developing a report documenting removal and/or cleanup activities.

Conducting Community Engagement Activities

EPA recognizes that effective community engagement is vital to working in Alaskan Native communities in underserved areas and provide a forum for sharing voices in each community's future. A community liaison can serve as a key resource to help ensure the community's goals and interests are reflected in the assessment, planning and cleanup of eligible ANCSA sites. Therefore, recipients may use a portion of the assistance agreement for community engagement activities and/or development of a culturally sensitive protocol for project implementation.

Other Eligible Project Costs

1. Costs associated with programmatic management/oversight of the cooperative agreement, such as required performance reporting. Work plans should include a task for administration of the grant. Activities include documenting achievement of grant outputs, outcomes and accomplishments, development and timely submission of reports to the EPA Project Officer, monitoring of workplan tasks and associated fund drawdowns, coordination with relevant accounting and finance offices to ensure regular and timely draw-down of funds, check-in calls and other communications with EPA project officer. For more information on these administrative activities, contact your EPA Program Contact/Project Officer.
2. The purchase of environmental insurance.

3. Costs associated with travel to/from the site.
4. Indirect costs.

IV. FY23 Funding Priorities

In addition to being an eligible entity, interested applicants will also need to meet legal requirements and FY23 funding priorities. EPA will require applicants to provide documentation of eligibility in order to meet legal requirements. Specifically, EPA will require that applicants provide site-specific information to determine whether a site: (1) was conveyed pursuant to ANCSA; (2) was contaminated by hazardous substances, pollutants, contaminants, or petroleum at the time of conveyance; and (3) is listed on the interim EPA inventory of Contaminated ANCSA Lands.

If these requirements cannot be demonstrated with the materials submitted to the EPA, the site may be a good candidate for verification and/or on-site assessment to determine whether it falls within the scope of this Contaminated ANCSA Lands Assistance Program and may be eligible for funding in the future. In the FY23 Appropriations Act, there were three Congressionally directed spending projects (\$7.5M in total) which EPA will fund to support the verification of contaminated ANCSA sites/lands; EPA anticipates that the partner organizations implementing these projects will be available to provide support in FY24. For more information on the interim EPA inventory of Contaminated ANCSA Lands, see the EPA Region 10 [website](#) or contact Tami Fordham, EPA Alaska Operations Office at fordham.tami@epa.gov or 907-271-1484.

FY23 Funding Priorities:

- The land(s)/site(s) is or are owned by the applicant, or the applicant has the unambiguous right of access to a site known to be contaminated at the time of conveyance and listed on the interim EPA inventory for purposes of completing assessment or cleanup projects under the EPA cooperative agreement.
- The applicant has the capacity to achieve FY23 program objectives. Applications will be evaluated based on the extent to which the applicant demonstrates that it:
 - Has existing qualified personnel on staff with the training and relevant prior experience in site assessment and/or initial cleanup.
 - Is currently in possession of all equipment necessary to successfully complete site assessment and/or initial cleanup activities.
 - Has proposed actions which are achievable and can demonstrate on-the-ground results by the first quarterly report date.
- EPA will prioritize funding projects that address hazardous waste contamination.
- EPA may prioritize funding projects on lands in locations that may be impacted by near-term climate change.
- EPA may prioritize projects which help achieve geographic diversity of projects around Alaska.

Contaminated lands that are the beneficiary of other federal funding are eligible for assistance under this program. If any of EPA's FY23 Funding Priorities are not demonstrated in the submitted application materials, EPA may determine that the project may be more appropriate for consideration for future funding opportunities.

V. Ineligible Uses of Funding

Examples of ineligible uses of cooperative agreement funds are listed below. Please note that this list is intended to be illustrative and is not all inclusive:

- Construction costs not associated with site cleanup activities
- Purchasing land
- A penalty or fine
- A federal cost share requirement (for example, a cost share required by other federal funds)
- Costs of cleanup for sites other than those contaminated at the time of conveyance under ANCSA
- Any prohibited or restricted activities as part of the [EPA General Terms and Conditions](#) (e.g., interest on borrowed funds, lobbying or litigation).

VI. Funding Request Application Package Information

Step 1: Provide required documentation demonstrating that the Project Site is included on the EPA Interim Inventory and was contaminated at the time of conveyance pursuant to ANCSA.

Information must include:

- Site name as identified on the interim EPA inventory of Contaminated ANCSA Lands
- Location of the site (latitude/longitude) or other identifying information
- Documentation showing that it is ANCSA conveyed land
- Documentation indicating type of contamination
- Documentation indicating that the land was contaminated prior to conveyance; and
- Documentation of land ownership since conveyance.

For more information about the interim EPA inventory, please see the EPA Region 10 [website](#) or contact Tami Fordham, EPA Alaska Operations Office at fordham.tami@epa.gov or 907-271-1484.

Step 2: Register for SAM.gov and Grants.gov

If you are interested in participating in this program, and do not already have an active SAM.gov and Grants.gov registration, please see Appendix A for detailed instructions on registering. Requests for funding must be submitted to EPA through <https://www.grants.gov/web/grants/applicants/search-opportunity-package.html> on or before the submission deadline unless an extension request is approved in writing by the EPA Program Contact/Project Officer.

Step 3: Provide the mandatory documents that must be submitted to EPA Region 10 via Grants.gov: The complete list of required documents that must be submitted includes:

- Detailed work plan/task description and detailed budget
- Standard Form (SF) 424, Application for Federal Assistance
- Standard Form (SF) 424A, Budget Information
- Key Contacts Form 5700-54

- EPA Form 4700-4, Pre-award Compliance Review
- Current or latest approved Indirect Cost Rate agreement if budget includes indirect costs
- Certification Regarding Lobbying

● **Detailed Work Plan/Task Description**

1. Title of project
2. Short summary of applicant’s location, history, culture, and other related background information (i.e., Background section)
3. Summary of engagement with shareholders and/or local community members, tribal governments, village or regional corporations, and others as appropriate
4. Description of high-priority environmental and human health issues that affect the community/applicant more broadly and any specifically related environmental assessment or cleanup efforts conducted to date on the contaminated ANCSA lands
5. Description of data collection efforts, sampling and analysis, etc.
6. Description of how the project funded by the EPA Contaminated ANCSA Lands Assistance Agreement Program will further the goals of the FY23 Appropriations Act, EPA’s FY23 Funding Priorities, and the State of Alaska’s Contaminated Sites Cleanup Program
7. For consortia, non-profits or Alaska Native Corporations: a statement that the proposed work is essential to their member Tribes in implementing planning, assessment and initial cleanup activities beyond what individual villages/tribal governments would be able to contribute
8. For each work component/task to be completed, please include the following elements in the work plan:
 - a. **Task/Activity Descriptions:** Provide a list and description of the tasks/activities required to implement the proposed project. Eligible entities may use the sample format for each task/activity as shown in the table below.

Sample Format for Tasks/Activities

Task/Activity:
i. Project Implementation <ul style="list-style-type: none"> ▪ Assistance agreement funded tasks/activities
ii. Anticipated Project Schedule:
iii. Task/Activity Lead:
iv. Outputs/Outcomes

i. Project Implementation

- Discuss the eligible tasks/activities that will take place under this assistance agreement.
- Make sure to include the tasks/activities associated with cooperative agreement administration and required reporting.
- If you plan to issue a subaward(s), indicate what tasks/activities or services will be provided.

ii. Anticipated Project and Reporting Schedule

Discuss the anticipated schedule and timing for the assistance agreement funded activities. Discuss and outline quarterly reporting requirements and other project tracking activities.

iii. Task/Activity Lead

For each task/activity, identify the lead entity(ies) overseeing the various activities (i.e., the applicant, qualified environmental professional, or other identified entity). If an entity(ies) other than the applicant is the lead, explain why the lead entity(ies) (and not the applicant) is appropriate to oversee the activity(ies).

iv. Outputs and Outcomes

Identify, and quantify as appropriate, the anticipated outputs/deliverables and environmental/public health outcomes for each task/activity.

EPA requires that applicants adequately describe environmental outputs (performance measures) and outcomes to be achieved under assistance agreements. Applicants must include specific statements describing the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to EPA’s FY23 Contaminated ANCSA Lands Assistance Agreement Program Funding Priorities. Outputs and outcomes will be identified as deliverables in the negotiated workplan once the application is selected for award. Recipients will be expected to report progress toward the attainment of expected project outputs and outcomes during the project performance period. Outputs and outcomes are defined as follows:

Outputs: The term “outputs” refers to an environmental activity, effort, and/or associated work products related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the project period.

Outcomes: The term “outcomes” refers to the result, effect, or consequence that will occur from carrying out the activities under the grant. Outcomes may be

environmental, behavioral, health- related, or programmatic; must be qualitative or quantitative, although may not necessarily be achievable during the project period.

- b. Quality Assurance Documentation:** If eligible entities plan to conduct any environmental measurements, including sampling and data compilation activities (i.e., soil sampling, baseline water quality, etc.), and/or use existing environmental data, they must submit a Quality Assurance Project Plan (QAPP) to the EPA. The QAPP must be approved by the EPA before conducting and reporting any environmental measurements.

Eligible entities should work with the EPA Region 10 Program Contact/Project Officer if there are any questions. Websites providing more information on EPA's Quality Program and requirements for assistance agreements are included in the Resources Section at the end of this guidance.

- c. Detailed Budget:** As eligible entities develop their budgets, please note that each budget must match the categories in the federal form SF-424A, i.e., Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual, Construction, Other, Indirect Costs, and Program Income (if relevant). EPA has developed general budget development guidance for applicants and recipients of EPA financial assistance. In addition, EPA has a number of other grants policy resources that you may find useful references. The following are some quick notes on these budget categories, but please refer to EPA's general budget guidance for complete information on each budget category:

Please remember to provide information on how cost estimates for each task were developed per budget category and present costs per unit where appropriate.

Personnel. This category includes only direct costs for the salaries, wages, and allowable incentive compensation for those individuals who are employees of the applicant's organization who will perform work directly for the project. For more information on this category, see EPA's [Interim General budget guidance](#).

Fringe Benefits. Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Again, for a complete discussion of this budget category, see EPA's Interim General budget guidance.

Indirect Cost Rate. Applicants who want to include indirect costs as part of a proposed budget must submit a copy of the organization's current, approved Indirect

Cost Rate Agreement with the Grants.gov application and to the EPA Region 10 Grants and Interagency Agreement Branch.

Supplies, Contracts, and Other. Please refer to EPA’s [Interim General budget guidance](#) for information on these budget categories.

Eligible entities may use the sample table format below to present plans to allocate grant funds for tasks/activities described in the Detailed Work Plan.

Sample Format for Budget (do not change Budget Categories)

Note: Only include costs to be covered by this EPA assistance agreement in this table.

Description	Quantity	Rate	TOTAL
Personnel			
TOTAL PERSONNEL			
Fringe Benefits			
TOTAL FRINGE			
Travel			
TOTAL TRAVEL			
Equipment			
TOTAL EQUIPMENT			
Supplies			
TOTAL SUPPLIES			
Contractual			
TOTAL CONTRACTUAL			
Other			
TOTAL OTHER			
Indirect Costs			

TOTAL INDIRECT			
TOTAL PROJECT COST			

- d. **Environmental Results:** Please make sure to discuss plans and mechanisms to track, measure, and evaluate progress in achieving expected project outputs, overall project results, and eventual project outcomes. As the period of performance for this first round of funding under the EPA Contaminated ANCSA Lands Assistance Agreement Program may be up to 18 months, the work plans submitted to EPA for this year’s projects must include plans for achieving interim milestones and well documented field activities by the end of the first quarter after the funding is awarded (*Definitions of outputs and outcomes are provided above.*). EPA Order 5700.7, EPA’s Policy for Environmental Results under EPA Assistance Agreements is available at [this link](#).
- e. **Alignment with the State of Alaska’s Contaminated Sites Program Cleanup Process:** The [ADEC Contaminated Sites Program](#) oversees, and in some cases, conducts cleanup of contaminated sites based on their potential risks to human health and the environment. Please provide information on how the project will align with ADEC’s program.

VII. Submission Information

Eligible entities are strongly encouraged to begin their internal process as early as possible to identify activities for the assistance agreement. Eligible entities are encouraged to talk with the EPA Contaminated ANCSA Lands Team (contact information included at the end of this document) to discuss proposed activities prior to submission of required information, so that the subsequent materials submission can move through the federal funding process in a timely manner.

1. Eligible entities must share a draft of the required complete funding request package with an EPA Project Officer/Program Contact in advance of submitting the information via Grants.gov. Complete funding request packages will need to be emailed to the EPA Region 10 Program Contact/Project Officer by June 9, 2023. The EPA Program Contact/Project Officer will review and provide feedback to assist with finalizing the required information package prior to being submitted.
2. Final applications (including final budgets, workplans, and signed federal forms) MUST be submitted to EPA through Grants.gov and copied to the EPA Program Contact/Project Officer by June 23, 2023, unless an extension request is approved in writing by the EPA Program Contact/Project Officer.

A. Registering with Grants.gov

In order to submit a funding request package under the EPA Contaminated ANCSA Lands Assistance Agreement Program through Grants.gov, eligible entities must first be registered with

[Grants.gov](https://www.grants.gov). Please allow up to four weeks to complete registration. Please note that eligible entities must also have an active SAM.gov registration before registering with Grants.gov. Please note that only Authorized Organization Representatives (AORs) can submit materials. More information about registering can be found at <https://www.grants.gov/web/grants/applicants/organization-registration.html>, and there are additional details about registering in SAM.gov and Grants.gov included in Appendix A of this guidance.

B. Access Funding Opportunity Application Package

Go to <https://www.grants.gov/web/grants/applicants/search-opportunity-package.html>.

1. Type “EPA-OLEM-R10-NC-23-06” into the “Funding Opportunity Number” field and click “Search”.

Please enter criteria and click Search:

Funding Opportunity Number:	<input type="text" value="EPA-CEP-01"/>
Opportunity Package ID:	<input type="text"/>

2. Click “Apply” next to Assistance Listing Number **66.965**.
3. Login to create a Workspace for the opportunity. Fill out and attach the forms and information required. If there are any questions about which forms and materials to submit, please contact the EPA Program Contact.
4. Please note that an AOR is the only one who can submit the materials, and the AOR must be authorized by the entity applying for the grant. See more about this in Appendix A.
5. Please confirm with the EPA Program Contact that EPA has received your information package.

C. Applicant Grants.gov Support

Visit the Grants.gov Applicant page here <https://www.grants.gov/web/grants/applicants.html> for FAQs, User Guides, Checklists, Training and Technical Support.

Call or email the Grants.gov Contact Center (<https://www.grants.gov/web/grants/support.html>) – Open 24 hours a day, 7 days a week – with any technical questions or issues.

- 1-800-518-4726
- support@grants.gov

D. Application Materials

The following forms and documents are required under this announcement and will be listed as “mandatory” in the Grants.gov package:

1. Project Narrative/Task Description

2. SF-424, Application for Federal Assistance
3. SF-424A, Budget Information for Non-Construction Programs
4. Current or latest approved Indirect Cost Rate agreement if budget includes indirect costs
5. Certification Regarding Lobbying
6. EPA Key Contacts Form
7. EPA Form 4700-4, Pre-award Compliance Review Report

VIII. Award Administration Information

These EPA Contaminated ANCSA Lands Assistance Agreements will include terms and conditions (including any applicable Davis Bacon requirements) that will be binding on the recipient. Terms and conditions specify what recipients must do to ensure that grant-related requirements are met. Recipients of an assistance agreement under this Program are expected to manage assistance agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the workplan in a timely manner.

Please be aware of the following requirements as the grant programs are implemented. If you have question or concerns about these items, contact your EPA Project Officer for additional information.

OMB Uniform Grant Guidance and EPA Uniform Administrative Requirements: This award program is subject to the OMB Uniform Grant Guidance requirements of [2 CFR Part 200](#) and EPA Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards requirements of [2 CFR Part 1500](#). A listing and description of EPA's general regulations applicable to the award of assistance agreements may be found at: <https://www.epa.gov/grants/policy-regulations-and-guidance-epa-grants>.

- **Terms and Conditions:** General administrative and programmatic terms and conditions applicable to EPA assistance agreements may be found at: <https://www.epa.gov/grants/grant-terms-and-conditions>. EPA will provide a list of programmatic terms and conditions that will also be applicable to the program. EPA Regional Representatives will ensure that all applicable terms and conditions are included.
- **Labor Standards:** The EPA encourages project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project); the use of an appropriately trained workforce (i.e., through registered apprenticeships and other joint labor-management training programs that serve all workers, particularly those historically excluded); the use of an appropriately credentialed workforce (i.e., requirements for appropriate and relevant professional training, certification, and licensure); and neutrality with respect to union organizing (i.e., EPA funds should not support or oppose union organizing).

IX. Reporting Requirements

In accordance with the Monitoring and Reporting Program Performance of [2 CFR Part 200.329](#) and related EPA-specific regulations, recipients must provide progress reports meeting the terms and conditions of their grant. Recipient costs for complying with reporting requirements are an eligible

expense under the grant. At a minimum, progress reports must include both a narrative discussion and performance data relating to the recipient's accomplishments and environmental outputs and outcomes associated with the approved budget and workplan.

Quarterly reporting is required. The first quarterly reporting period will be identified in the terms and conditions of the cooperative agreement. The reports cover work status, work progress, accomplishments (including reporting on outcomes and outputs), difficulties encountered, an accounting of financial expenditures, preliminary data results or draft/final deliverables (QAPP or reports), anticipated upcoming activities for the next quarter, upcoming events/assistance required, any changes in key personnel involved with the project and project challenges encountered. Reasons why outputs/outcomes were not met must be provided. Interim progress reports are due 30 days after the quarter ends. Site-specific accomplishments are reported to help EPA monitor the recipients progress with implementing their project and also directly supports the continuation of the Program by highlighting measurable site-specific accomplishments to the public and Congress. In addition, any deliverables produced (i.e., assessments, reports, cleanup planning documents, data for the EPA inventory, etc.) must be submitted to the EPA along with the interim report.

At the end of the period of performance for the assistance agreement, a final project report also is required. The final report must include a description of project tasks, objectives, summarize work completed and discuss accomplishments (including reporting on outcomes and outputs) through the entire project performance period. It must also discuss expenditures, lessons learned, any other resources leveraged during the project outside of this Program and how they were used. In addition, any deliverables produced (i.e., assessments, reports, photographs, cleanup planning documents, data for the EPA inventory, etc.) must be submitted to the EPA along with final report. The final report must be submitted to the EPA within 120 calendar days of the project/budget period end date.

X. Appropriations Language

The FY23 Consolidated Appropriations Act included language establishing this program at the EPA. The Appropriations Act language states that the EPA is receiving the following:

Alaska Contaminated Sites: \$20,000,000, to remain available until expended, shall be for grants, including grants that may be awarded on a non-competitive basis, inter agency agreements, and associated program support costs to establish and implement a program to assist Alaska Native Regional Corporations, Alaskan Native Village Corporations, federally-recognized tribes in Alaska, Alaska Native Non-Profit Organizations and Alaska Native Nonprofit Associations, and intertribal consortia comprised of Alaskan tribal entities to address contamination on lands conveyed under or pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that were or are contaminated at the time of conveyance and are on an inventory of such lands developed and maintained by the Environmental Protection Agency: Provided, That grants awarded using funds made available in this paragraph may be used by a recipient to supplement other funds provided by the Environmental Protection Agency through individual media or multi-media grants or cooperative agreements: Provided further, That of the amounts made available in this paragraph, in addition to amounts otherwise available for such purposes, the Environmental Protection Agency may reserve up to \$2,000,000 for salaries, expenses, and administration.

Language from the Joint Explanatory Statement released by Congress states that:

Alaska Contaminated Sites.-The Committees recognize the injustice done to Alaska Natives when in return for settling their aboriginal rights to land under the Alaska Native Claims Settlement Act, the Federal Government conveyed to them thousands of contaminated sites which to-date largely remain contaminated because of Federal inaction. This enduring environmental injustice poses a significant threat to human health and the environment, including to drinking water sources, homes, schools, and more. The agreement provides \$20,000,000 for the inventory, verification, assessment, and remediation of these contaminated sites, as well as related community outreach and involvement. The Committees recognize that neither the State of Alaska nor the Agency are responsible for the contamination. The Committees thank Agency leadership for its recent attention to and work on this issue and look forward to continuing their close working relationship with the Agency in finding solutions to this longstanding environmental injustice.

XI. EPA Regional ANCSA Program Contacts

ANCSA Program Manager	Tami Fordham	fordham.tami@epa.gov
Contaminated ANCSA Lands Assistance Agreements	Melissa Winters	winters.melissa@epa.gov
Contaminated ANCSA Lands Inventory	Brenda Cook	cook.brenda@epa.gov

XII. Resources

- *Alaska Department of Environmental Conservation Cleanup Process:* <https://dec.alaska.gov/spar/csp/faq/cleanup-process>
- *EPA Region 10 Site on Contamination on ANCSA Conveyed Lands:* <https://www.epa.gov/r10-tribal/contamination-ancsa-conveyed-lands>
- *EPA Cleanup Process:* <https://www.epa.gov/superfund/superfund-cleanup-process>
- *Community Involvement:* <https://www.epa.gov/superfund/superfund-community-involvement> and <https://www.epa.gov/superfund/superfund-community-involvement-tools-and-resources>
- *Land Revitalization:* <https://www.epa.gov/land-revitalization>
- *Brownfields Program Technical Assistance:*
 - <https://www.epa.gov/brownfields/brownfields-technical-assistance-and-research>
- *Technical Assistance to Brownfields Communities (TAB):* <https://www.epa.gov/brownfields/brownfields-technical-assistance-and-research#TAB>
- *EPA RCRA Public Participation Manual:* https://www.epa.gov/sites/default/files/2016-08/documents/v2_rcra_ppm_final_public_comment_period_8-4-16_0.pdf
- *EPA Quality Assurance Program:* <https://www.epa.gov/quality>
- *Implementation of Quality Assurance Requirements for Organizations Receiving EPA Financial Assistance:* <https://www.epa.gov/grants/implementation-quality-assurance-requirements-organizations-receiving-epa-financial>
- *EPA Order 5700.7, EPA’s Policy for Environmental Results under EPA Assistance Agreements:* <https://www.epa.gov/grants/epa-order-57007a1-epas-policy-environmental-results-under-epa-assistance-agreements>

- *EPA Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance:* <https://www.epa.gov/sites/default/files/2019-05/documents/applicant-budget-development-guidance.pdf>
- *Grants.gov website for submitting an official application to EPA:* <https://www.grants.gov/>
- *EPA website on how to apply for grants:* <https://www.epa.gov/grants/how-apply-grants>
- *EPA website on grant regulations and guidance:* <https://www.epa.gov/grants/policy-regulations-and-guidance-epa-grants>
- *SAM.gov registration and obtaining a Unique Entity Identifier for applying for federal funds:* www.sam.gov/content/duns-uei
- *EPA General Grant Terms and Conditions:* <https://www.epa.gov/grants/grant-terms-and-conditions#general>
- *EPA Subaward Policy:* https://www.epa.gov/sites/default/files/2020-11/documents/gpi-16-01-subaward-policy_attachments.pdf

APPENDIX A

Registering in SAM.gov and Grants.gov

Eligible entities must submit information electronically through <https://www.grants.gov/web/grants/applicants/search-opportunity-package.html> after searching for this specific funding opportunity. The funding opportunity number is **EPA-OLEM-R10-NC-23-06** and the Assistance Listing number is 66.965.

Eligible entities applying to this funding opportunity must have an active SAM.gov registration. If you have never done business with the Federal Government, you will need to register your organization at www.sam.gov. If you do not have a SAM.gov account, then you will create an account using Login.gov to complete your SAM.gov registration. SAM.gov registration is FREE. The process for entity registrations includes obtaining a Unique Entity ID (UEI), a 12-character alphanumeric ID assigned to an entity by SAM.gov, and requires assertions, representations and certifications, and other information about your organization. Please review the [Entity Registration Checklist](#) for details on this process. Eligible entities must have a UEI in SAM.gov to apply for funding under this program. **As of April 2022, the federal government has stopped using the DUNS number to uniquely identify entities.** For more information, please visit www.sam.gov/content/duns-uei.

If you have done business with the federal government previously, you can check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you to renew your registration every 365 days to keep it active.

Please note that SAM.gov registration is different than obtaining a UEI. Obtaining a UEI validates your organization's legal business name and address. Please review the registration [Frequently Asked Questions](#) for additional details on the difference.

EPA will verify that the UEI number listed with the funding request materials is the correct UEI number for the applicant's organization/department. Eligible entities need to ensure that the correct Authorized Organization Representative (AOR) and UEI number of the entity that will receive the award and be held accountable by EPA for the proper expenditure of funds are included in the required information provided to EPA.

Contact the [Federal Service Desk](#) (866-606-8220) for help with your SAM.gov account, to resolve technical issues or chat with a help desk agent. The Federal Service desk hours of operation are Monday – Friday, 8 a.m. – 8 p.m. Eastern Time.

Grants.gov Registration Instructions

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as EBiz point of contact email address and UEI. Eligible entities applying to this funding opportunity must have an active Grants.gov registration. Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov Applicant Registration](#) instructions.

Please note that this process can take **a month or more** for new registrants. Eligible entities must ensure that all registration requirements are met in order to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the final funding package information submission deadline.

The AOR must submit the final funding information package electronically to EPA through Grants.gov. Before submitting the final package, eligible entities must submit a complete funding request package to the EPA Program Contact /Project Officer to help ensure that eligibility requirements, as well as EPA's FY23 funding priorities, are met prior to submission through Grants.gov.

Visit the Grants.gov Applicant page here <https://www.grants.gov/web/grants/applicants.html> for FAQs, User Guides, Checklists, Training and Technical Support.

Call or email the Grants.gov Contact Center (<https://www.grants.gov/web/grants/support.html>) with *any* technical questions or issues – Open 24 hours a day, 7 days a week.

- 1-800-518-4726
- support@grants.gov

APPENDIX B

Work Plan Template

A. Confirmation that Site Proposed for an EPA Contaminated ANCSA Lands Cooperative Agreement was Contaminated at the Time of Conveyance and is Listed on the Interim EPA Inventory of Contaminated ANCSA Lands

The following information is used to identify the site in alignment with an existing site on the Interim EPA Inventory of Contaminated ANCSA Lands. The ____ (Site Name as identified on the Interim EPA Inventory of Contaminated ANCSA Lands) ____ is located at ____ (latitude/longitude or other identifying information) ____ . The Site is located on conveyed land as referenced in ____ (document showing land conveyed pursuant to ANCSA) ____ . A map depicting the location of the site in relation to the conveyed land can be found in Appendix XX of this work plan. The contaminants/suspected contaminants at the site include ____ and are believed to be related to ____ (structures/historical processes) ____ . ____ (Documentation/photos) ____ can be found in Appendix XX of this work plan. Relevant documentation indicating contamination occurred at the site prior to conveyance can be found in Appendix XX of this work plan. Documentation supporting the history of land ownership can be found in Appendix XX.

B. Detailed Work Plan/Task Description

1. Project Title
2. Short summary of applicant's location, history, culture, and other related background information (i.e., Background section).
3. Summary of engagement with shareholders and/or local community members, tribal governments, village or regional corporations, and/or others as appropriate.
4. Description of high-priority environmental and human health issues that affect the community/applicant more broadly and any specifically related environmental assessment or cleanup efforts conducted to date on the contaminated ANCSA lands.
5. Description of data collection efforts, sampling and analysis done to date, etc.
6. Description of how the project funded by the EPA Contaminated ANCSA Lands Assistance Agreement Program will further the goals of the FY23 Appropriations Act, EPA's FY23 Funding Priorities, and the State of Alaska's Contaminated Sites Cleanup Program.
7. For consortia, non-profits or Alaska Native Corporations: a statement that the proposed work is essential to their member Tribes in implementing planning, assessment and initial cleanup activities beyond what individual villages/tribal governments would be able to contribute.

Task/Activity Descriptions:

Project Task 1. – Management of the Cooperative Agreement:

This task includes those activities that pertain to the management of this cooperative agreement. Activities may include general budget and financial management, preparation and submittal of invoices, contracts management, and preparation and submittal of quarterly progress reports submitted to EPA by the 30th of the month following the end of each quarter.

Include the anticipated schedule for quarterly reporting and other management activities. Identify the lead entity implementing each activity.

Identify the anticipated outputs/deliverables and environmental/public health outcomes for the activities.

Project Task 2 – Project Task X: Provide a title for and describe each specific eligible task/activity to take place under this assistance agreement:

Discuss the eligible activity. If you plan to issue a subaward(s), indicate what tasks or services will be implemented by the sub.

Include the anticipated schedule/timing for each activity. Identify the lead entity implementing each activity.

Identify the anticipated outputs/deliverables and environmental/public health outcomes for each activity. Please make sure to discuss plans and mechanisms to track, measure, and evaluate progress in achieving expected project outputs, overall project results, and eventual project outcomes

Identify how each task/activity will align with the State of Alaska’s (ADEC) Contaminated Sites Program/Cleanup Process.

Development of a Quality Assurance Project Plan, if applicable

Notify EPA in this work plan whether you plan to conduct any environmental measurements, including sampling and data compilation activities (i.e., soil sampling, baseline water quality, etc.), and/or use of existing environmental data, they must submit a Quality Assurance Project Plan (QAPP) to the EPA. The QAPP must be approved by the EPA before conducting and reporting any environmental measurements.

Eligible entities should work with the EPA Region 10 Program Contact/Project Officer if there are any questions. Websites providing more information on EPA’s Quality Program and requirements for assistance agreements are included in the Resources Section of this document.

Proposed Budget FY-2023

The proposed budget is an estimate. **Please remember to provide information on how cost estimates for each task were developed per budget category and present costs per unit where appropriate.**

Personnel. This category includes only direct costs for the salaries, wages, and allowable incentive compensation for those individuals who are employees of the applicant’s organization who will perform work directly for the project. For more information on this category, see EPA’s [Interim General budget guidance](#).

Fringe Benefits. Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Again, for a complete discussion of this budget category, see EPA’s Interim General budget guidance.

Indirect Cost Rate. Applicants who want to include indirect costs as part of a proposed budget must submit a copy of the organization’s current, approved Indirect Cost Rate Agreement with the Grants.gov application and to the EPA Region 10 Grants and Interagency Agreement Branch.

Supplies, Contracts, and Other. Please refer to EPA’s [Interim General budget guidance](#) for information on these budget categories.

Eligible entities may use the sample table format below to present plans to allocate grant funds for tasks/activities described in this work plan.

DETAILED BUDGET TABLE

Description	Quantity	Rate	TOTAL
Personnel			
TOTAL PERSONNEL			
Fringe Benefits			
TOTAL FRINGE			
Travel			
TOTAL TRAVEL			
Equipment			
TOTAL EQUIPMENT			
Supplies			

TOTAL SUPPLIES			
Contractual			
TOTAL CONTRACTUAL			
Other			
TOTAL OTHER			
Indirect Costs			
TOTAL INDIRECT			
TOTAL PROJECT COST			